AF/2683
TFW

SERIAL NO. 09/919,317

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

Appellant:	Jokinen et al.	Examiner:	Torres, M.
Serial No.:	09/919,317	Group Art Unit:	2683
Filing Date:	July 31, 2001	Docket No.:	NOKM.011PA
Title:	SYSTEM AND METHOD FOR AUTOMATIC PROVISIONING DETECTION AND NOTIFICATION		

CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited in the United States Postal Service, as first class mail, in an envelope addressed to: Mail Stop Appeal Brief - Patents, United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450, on October 10, 2007.

By: Tracey M. Dotter
Tracey M. Dotter

REPLY BRIEF

Mail Stop Appeal Brief - Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This Reply Brief is submitted pursuant to 37 C.F.R. §41.41 for the above-referenced patent application in response to the Examiner's Answer dated August 10, 2007.

This brief largely replicates the Amended Appeal Brief filed on April 11, 2007. The changed portions are this cover page and the Argument section (Section VII), which addresses the comments provided in the "Response to Argument" section (10) of the Examiner's Answer. Also, each reference to the Grounds of Rejection Letters F, G, K and L has been amended to account for the Examiner's apparently admitted, but perpetuated, typographical errors.

No fee is believed to be required for the filing of this Reply Brief; however, if it is determined that a fee is necessary, authority is given to charge/credit deposit account 50-3581 (NOKM.011PA) in support of this filing.

TABLE OF CONTENTS

I. REAL PARTY IN INTEREST 1

II. RELATED APPEALS AND INTERFERENCES 2

III. STATUS OF CLAIMS 3

IV. STATUS OF AMENDMENTS 4

V. SUMMARY OF CLAIMED SUBJECT MATTER 5

VI. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL 8

A. Claims 1, 3-4, 7-11, 19-22, 24, 28, 29 and 45-48 stand rejected under 35 U.S.C. §103(a) over Moles *et al.* (U.S. Patent No. 6,615,038) in view of Meche *et al.* (U.S. Patent No. 5,809, 413) 8

B. Claims 12 and 13 stand rejected under 35 U.S.C. §103(a) over Moles *et al.* in view of Meche *et al.* and further in view of Saegusa *et al.* (U.S. Patent No. 5,365,572) 8

C. Claims 15-17 stand rejected under 35 U.S.C. §103(a) over Moles *et al.* in view of Meche *et al.* and further in view of Nakatsuyama (U.S. Patent No. 6,658,231) 8

D. Claim 26 stands rejected under 35 U.S.C. §103(a) over Moles *et al.* in view of Meche *et al.* and further in view of Rangarajan *et al.* (U.S. Patent No. 6,757,754) 8

E. Claim 27 stands rejected under 35 U.S.C. §103(a) over Moles *et al.* in view of Meche *et al.* and further in view of Sutinen *et al.* (U.S. Patent No. 6,839,564). 8

F. Claims 5, 30, 32-34 and 36 stand rejected under 35 U.S.C. §103(a) over Moles *et al.* in view of Meche *et al.* and further in view of Raith (U.S. Patent No. 5,404,355) 8

G. Claims 6, 38-41 and 43 stand rejected under 35 U.S.C. §103(a) over Moles *et al.* in view of Meche *et al.* and further in view of Lager *et al.* (U.S. Patent No. 6,636,502) 8

H. Claim 14 stands rejected under 35 U.S.C. §103(a) over Moles *et al.* in view of Meche *et al.* and further in view of Chatterjee *et al.* (U.S. Patent No. 6,282,421) 8

I. Claims 18 and 35 stand rejected under 35 U.S.C. §103(a) over Moles *et al.* in view of Meche *et al.* and further in view of Donovan *et al.* (U.S. Patent No. 6,519,468) 8

J. Claim 23 stands rejected under 35 U.S.C. §103(a) over Moles *et al.* in view of Meche *et al.* and further in view of Vucetic *et al.* (U.S. Patent No. 5,819,177) 9

K. Claim 37 stands rejected under 35 U.S.C. §103(a) over Moles *et al.* in view of Meche *et al.* and Raith and further in view of Vucetic *et al* 9

L. Claims 42 and 44 stand rejected under 35 U.S.C. §103(a) over Moles *et al.* in view of Meche *et al.* and Lager *et al.* and further in view of Donovan *et al.*..... 9

VII. ARGUMENT..... 10

A. The §103(a) rejection of Claims 1, 3-4, 7-11, 19-22, 24, 28, 29 and 45-48 is improper because the asserted combination of Moles *et al.* and Meche *et al.* fails to correspond to the claimed invention, and the requisite evidence of motivation to combine these references, as asserted, has not been established..... 10

B. The §103(a) rejection of Claims 12 and 13 is improper because the asserted combination of Moles and Meche in view of Saegusa *et al.* fails to correspond to the claimed invention, and the requisite evidence of motivation to combine the references as asserted has not been established..... 12

C. The §103(a) rejection of dependent Claims 15-17 is improper because the asserted combination of Moles and Meche in view of Nakatsuyama fails to correspond to the claimed invention, and the requisite evidence of motivation to combine the references as asserted has not been established..... 12

D. The §103(a) rejection of Claim 26 is improper because the asserted combination of Moles and Meche in view of Rangarajan *et al.* fails to correspond to the claimed invention, and the requisite evidence of motivation to combine the references as asserted has not been established..... 13

E. The §103(a) rejection of dependent Claim 27 is improper because the asserted combination of Moles and Meche in view of Sutinen *et al.* fails to correspond to the claimed invention, and the requisite evidence of motivation to combine the references as asserted has not been established..... 13

F. The §103(a) rejection of dependent Claims 5, 30, 32-34 and 36 is improper because the asserted combination of Moles and Meche in view of Raith fails to correspond to the claimed invention, and the requisite evidence of motivation to combine the references as asserted has not been established..... 13

G. The §103(a) rejection of dependent Claims 6, 38-41 and 43 is improper because the asserted combination of Moles and Meche in view of Lager *et al.* fails to correspond to the claimed invention, and the requisite evidence of motivation to combine the references as asserted has not been established..... 14

H. The §103(a) rejection of dependent Claim 14 is improper because the asserted combination of Moles and Meche in view of Chatterjee *et al.* fails to correspond to the claimed invention..... 14

I. The §103(a) rejection of dependent Claims 18 and 35 is improper because the asserted combination of Moles and Meche in view of Donovan *et al.* fails to correspond to the claimed invention, and the requisite evidence of motivation to combine the references as asserted has not been established..... 14

J. The §103(a) rejection of dependent Claim 23 is improper because the asserted combination of Moles and Meche in view of Vucetic *et al.* fails to correspond to

the claimed invention, and the requisite evidence of motivation to combine the references as asserted has not been established 15

K. The §103(a) rejection of dependent Claim 37 is improper because the asserted combination of Moles, Meche, and Raith in view of Vucetic fails to correspond to the claimed invention, and the requisite evidence of motivation to combine the references as asserted has not been established 15

L. The §103(a) rejection of dependent Claims 42 and 44 is improper because the asserted combination of Moles, Meche and Lager in view of Donovan fails to correspond to the claimed invention, and the requisite evidence of motivation to combine the references as asserted has not been established 15

VIII. CONCLUSION 16

IX. CLAIMS APPENDIX 17

X. EVIDENCE APPENDIX 26

XI. RELATED PROCEEDINGS APPENDIX 27

I. REAL PARTY IN INTEREST

The real party in interest is the assignee, Nokia Corporation.

II. RELATED APPEALS AND INTERFERENCES

Appellant is unaware of any related appeals, interferences or judicial proceedings that would have a bearing on the Board's decision in the instant appeal.

III. STATUS OF CLAIMS

Claims 1, 3-24, 26-30 and 32-48 are pending, each of which is presented for appeal. Claims 2, 25 and 31 were canceled during prosecution of the application. Each of the pending Claims 1, 3-24, 26-30 and 32-48 has been finally rejected by the Examiner's action dated March 23, 2006, from which Appellant appeals.

The pending Claims 1, 3-24, 26-30 and 32-48 under appeal may be found in the attached Claims Appendix.

IV. STATUS OF AMENDMENTS

No amendments have been presented subsequent to the final rejection dated March 23, 2006.

V. SUMMARY OF CLAIMED SUBJECT MATTER

The present invention is generally directed to provisioning mobile phones without requiring human intervention. Provisioning refers to setting initial configuration parameters when a mobile phone is initially activated and also refers to configuring and reconfiguring such parameters when new services are added or existing services are upgraded. Embodiments of the present invention are directed to methods and systems that involve providing a notification to a provisioning server to initiate provisioning procedures when an unprovisioned terminal is detected in a mobile network.

One embodiment of the present invention is directed to a method for initiating provisioning procedures for terminals operable in a mobile communications network. *See, e.g.*, Claim 1, Figs. 3 and 4; and the corresponding discussion in the instant Specification at page 16, line 21 – page 18, line 6. The method includes automatically detecting an unprovisioned terminal in a mobile communications network (*e.g.*, 302, 402) and providing a notification to a provisioning server to initiate provisioning procedures for the unprovisioned terminal in response to the automatic detection of the unprovisioned terminal (*e.g.*, 304, 404). The method also includes monitoring the unprovisioned terminal for a subscriber identifier identifying a particular subscriber and an equipment identifier identifying the unprovisioned terminal, where automatically detecting an unprovisioned terminal includes determining that the subscriber and equipment identifiers do not collectively correspond to known subscriber and equipment affiliations (*e.g.*, 300, 400). Other embodiments are directed to a computer-readable medium having computer-executable instructions for initiating provisioning procedures in the manner described above. *See, e.g.*, Claim 46 and the discussion at page 26, line 4 – page 27, line 5.

Another embodiment of the present invention is directed to a provisioning system for automatically provisioning terminals in a mobile communications network. *See, e.g.*, Claim 28; Figs. 1 and 2; and the corresponding discussion at page 9, line 6 – page 16, line 20. The system includes a network element (*e.g.*, 207, 209), a detection module (*e.g.*, 112, 206), a provisioning trigger module (*e.g.*, 114, 206), and a provisioning server (*e.g.*, 118, 240). The network element is capable of receiving a subscriber identifier and an equipment identifier. The detection module is operable with the network element, capable of being coupled to a mobile communications network, and configured to monitor for at

least the subscriber identifier and the equipment identifier transmitted from an unprovisioned terminal (*e.g.*, 100, 200), and to compare an identifier group comprising the subscriber and equipment identifiers to known subscriber-equipment groups. The provisioning trigger module is capable of communicating with the detection module to generate a provisioning notification based on results of the comparison of the identifier group and known subscriber-equipment groups indicating that the unprovisioned terminal has been introduced on the mobile communications network. The provisioning server is configured to receive the provisioning notification and to instigate provisioning procedures with the unprovisioned terminal in response to the provisioning notification.

Another embodiment is directed to a provisioning system for automatically provisioning terminals in a mobile communications network. *See, e.g.*, Claim 47; Figs. 1 and 2; and the corresponding discussion at page 9, line 6 – page 16, line 20. The system includes means for receiving a subscriber identifier identifying a particular subscriber and an equipment identifier identifying an unprovisioned terminal and for comparing an identifier group comprising the subscriber and equipment identifiers to known subscriber-equipment groups. The system also includes means for automatically detecting the unprovisioned terminal in the mobile communications network, including means for determining that the subscriber and equipment identifiers do not collectively correspond to known subscriber and equipment affiliations based on results of the comparison. Means for providing a notification to a provisioning server to initiate a provisioning procedure for the unprovisioned terminal in response to the automatic detection of the unprovisioned terminal are also included in the system. Each of the above-discussed means may include, for example, servers, mobile switching centers, home location registers, visiting location registers, serving GPRS support nodes, processors, short message service centers, equipment identity registers, etc. Appellant notes that a single structure may correspond to multiple "means" limitations. *See, e.g., Winbond Electronics Corp. v. International Trade Commission*, 4 Fed.Appx. 832, C.A.Fed., 2001.

Another embodiment of the present invention is directed to a network element for facilitating provisioning of terminals in a mobile communications network. *See, e.g.*, Claim 48; Fig. 2; and the corresponding discussion at page 10, line 17 – page 16, line 20. The network element (*e.g.*, 206, 208) includes a detection module capable of

communicating via a mobile communications network and is configured to monitor for subscriber and equipment identifiers associated with one or more terminals and to identify unprovisioned terminals introduced into the mobile communication network based on correspondence between the subscriber and equipment identifiers and any of a plurality of known subscriber and equipment affiliations. The network element also includes a provisioning trigger module coupled to the detection module to generate provisioning notifications for the unprovisioned terminals identified via the detection module where each provisioning notification indicates that the respective unprovisioned terminal is to be provisioned.

As required by 37 C.F.R. § 41.37(c)(1)(v), a concise explanation of the subject matter defined in each of the independent claims involved in the appeal is provided herein. Appellant notes that representative subject matter is identified for each of these claims; however, the abundance of supporting subject matter in the application prohibits identifying all textual and diagrammatic references to each claimed recitation. Appellant thus submits that other application subject matter, which supports the claims but is not specifically identified above, may be found elsewhere in the application. Appellant further notes that this summary does not provide an exhaustive or exclusive view of the present subject matter, and Appellant refers to the appended claims and their legal equivalents for a complete statement of the invention.

VI. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

A. Claims 1, 3-4, 7-11, 19-22, 24, 28, 29 and 45-48 stand rejected under 35 U.S.C. §103(a) over Moles *et al.* (U.S. Patent No. 6,615,038) in view of Meche *et al.*
(U.S. Patent No. 5,809, 413).

B. Claims 12 and 13 stand rejected under 35 U.S.C. §103(a) over Moles *et al.* in view of Meche *et al.* and further in view of Saegusa *et al.* (U.S. Patent No. 5,365,572).

C. Claims 15-17 stand rejected under 35 U.S.C. §103(a) over Moles *et al.* in view of Meche *et al.* and further in view of Nakatsuyama (U.S. Patent No. 6,658,231).

D. Claim 26 stands rejected under 35 U.S.C. §103(a) over Moles *et al.* in view of Meche *et al.* and further in view of Rangarajan *et al.* (U.S. Patent No. 6,757,544).

E. Claim 27 stands rejected under 35 U.S.C. §103(a) over Moles *et al.* in view of Meche *et al.* and further in view of Sutinen *et al.* (U.S. Patent No. 6,839,564).

F. Claims 5, 30, 32-34 and 36 stand rejected under 35 U.S.C. §103(a) over Moles *et al.* in view of Meche *et al.* and further in view of Raith (U.S. Patent No. 5,404,355).

G. Claims 6, 38-41 and 43 stand rejected under 35 U.S.C. §103(a) over Moles *et al.* in view of Meche *et al.* and further in view of Lager *et al.* (U.S. Patent No. 6,636,502).

H. Claim 14 stands rejected under 35 U.S.C. §103(a) over Moles *et al.* in view of Meche *et al.* and further in view of Chatterjee *et al.* (U.S. Patent No. 6,282,421).

I. Claims 18 and 35 stand rejected under 35 U.S.C. §103(a) over Moles *et al.* in view of Meche *et al.* and further in view of Donovan *et al.* (U.S. Patent No. 6,519,468).

J. Claim 23 stands rejected under 35 U.S.C. §103(a) over Moles *et al.* in view of Meche *et al.* and further in view of Vucetic *et al.* (U.S. Patent No. 5,819,177).

K. Claim 37 stands rejected under 35 U.S.C. §103(a) over Moles *et al.* in view of Meche *et al.* and Raith and further in view of Vucetic *et al.*

L. Claims 42 and 44 stand rejected under 35 U.S.C. §103(a) over Moles *et al.* in view of Lager *et al.* and further in view of Donovan *et al.*

VII. ARGUMENT

Appellant maintains the traversal of each of the grounds of rejection, each of which is asserted under 35 U.S.C. §103(a), at least because the asserted references, alone or in combination, do not correspond to the claimed invention. In order to maintain a §103(a) rejection, the Examiner must identify a reference, or a combination of references, that teaches or suggests each of the claimed limitations and present evidence that a skilled artisan would have been motivated to combine the references as asserted by the Examiner. MPEP §2142. Appellant maintains that at least these requirements have not been satisfied.

In accordance with 37 C.F.R. §41.37(c)(1)(vii) each of the grounds of rejection are discussed in detail below. As each of the grounds of rejection are based at least in part upon the teachings of the primary reference, Moles *et al.* (U.S. Patent No. 6,615,038), the arguments presented against the grounds of rejection lettered B-L are largely duplicative of the arguments presented against the first grounds addressed in Section A. However, the arguments presented in sections B-L below also include arguments specific to their respective grounds of rejection.

The arguments presented below in sections A-L are in response to the arguments set forth in pages 18-28 of the Examiner's Answer dated August 8, 2007. While the previous arguments presented in the Appeal Brief are not repeated, they are incorporated herein.

A. The §103(a) rejection of Claims 1, 3-4, 7-11, 19-22, 24, 28, 29 and 45-48 is improper because the asserted combination of Moles *et al.* and Meche *et al.* fails to correspond to the claimed invention, and the requisite evidence of motivation to combine these references, as asserted, has not been established.

Appellant disagrees with the Examiner's interpretation of the cited portion of Moles at column 6, lines 28-44. For example, the Examiner's asserted steps three and four on page nineteen incorrectly recite the teachings of Moles. Contrary to the assertion that the provisioning server provisions the terminal, lines 41-44 merely indicate that because mobile station configuration server 160 gathers configuration data, the HLR only needs to store a minimum amount of data to establish a connection to a provisioning server. In direct contrast to the assertion in step four, lines 30-33 specifically teach that BS 101 and/or MSC 140 identify MS 112 as an unprovisioned handset and performs OTA service

provisioning of MS 112. There is no teaching or suggestion that the HLR informs any device other than the BS 101 and/or MSC 140 of the status of MS 112, *e.g.*, Fig. 2. The Examiner's interpretation of Moles appears to be unsupported and incorrect. Thus, Appellant maintains that Moles does not teach providing a notification to a provisioning server to initiate the provisioning procedures for an unprovisioned terminal in response to the automatic detection of the unprovisioned terminal.

Appellant notes that the reliance on step 405 of Fig. 4 is at least incomplete as the discussion of step 405 fails to correspond to the claimed limitations. While step 405 indicates that a mobile station has been authenticated and provisioned for service, there is no teaching or suggestion that such provisioning was initiated via a notification to a provisioning server in response to the automatic detection of the mobile station being unprovisioned. Step 405 merely indicates that provisioning has been performed. Thus, the reliance on step 405 of Fig. 4 is incomplete and fails to correspond to the claimed limitations in the requisite detail.

Appellant appreciates the acknowledgement that Moles fails to teach detecting an unprovisioned terminal using a subscriber identifier and an equipment identifier. While the Examiner now asserts that such limitations are common and well-known by relying on the teachings of Meche, Appellant maintains that Meche does not teach determining whether the subscriber and equipment identifiers *collectively* correspond to known subscriber/equipment affiliations. Rather, Meche associates a device with a particular UIM but does not teach or suggest comparing the collective association (affiliation) of subscriber/equipment identifiers with known, collective associations (affiliations) of such identifiers. Thus, neither of the asserted references have been shown to correspond to the limitations directed to detecting an unprovisioned terminal using a subscriber identifier and an equipment identifier. Appellant therefore maintains that the asserted combination of reference fails to also teach these claim limitations.

In summary, Appellant maintains that the asserted combination of Moles and Meche fails to at least teach or suggest providing a notification to initiate provisioning procedures in response to an automatic detection of the unprovisioned terminal as well as automatically detecting unprovisioned terminals by determining that subscriber and equipment identifiers do not collectively correspond to known subscriber and equipment

affiliations. Thus, the §103(a) rejection based upon the teachings of Moles as modified by Meche cannot be maintained. Appellant accordingly requests that the rejection be reversed.

Appellant also maintains that the requisite evidence of motivation has not been presented to support combining the references as asserted. For example, as Meche is silent with respect to provisioning, no evidence has been presented that a skilled artisan would look to the teachings of Meche to modify the provisioning process of Moles. More specifically, the clear and particular evidence has not been presented to support the contention that a skilled artisan would have attempted to introduce the locking of a mobile terminal of Meche to the teachings of Moles.

Due to the failure of the asserted combination of references to teach or suggest each of the claimed limitations, and because the requisite motivation to combine Moles and Meche has not been established, *prima facie* obviousness has not been established. The §103(a) rejection is improper and should not be maintained. Appellant accordingly requests that the rejection be reversed.

B. The §103(a) rejection of dependent Claims 12 and 13 is improper because the asserted combination of Moles and Meche in view of Saegusa *et al.* fails to correspond to the claimed invention, and the requisite evidence of motivation to combine the references as asserted has not been established.

Appellant respectfully maintains the traversal of the rejection of Claims 12 and 13 because the asserted combination of references at least does not teach or suggest each of the claimed limitations as discussed above.

C. The §103(a) rejection of dependent Claims 15-17 is improper because the asserted combination of Moles and Meche in view of Nakatsuyama fails to correspond to the claimed invention, and the requisite evidence of motivation to combine the references as asserted has not been established.

Appellant respectfully maintains the traversal of the rejection of Claims 15-17 because the asserted combination of references at least does not teach or suggest each of the claimed limitations as discussed above.

D. The §103(a) rejection of Claim 26 is improper because the asserted combination of Moles and Meche in view of Rangarajan *et al.* fails to correspond to the claimed invention, and the requisite evidence of motivation to combine the references as asserted has not been established.

Appellant respectfully maintains the traversal of the rejection of Claim 26 because the asserted combination of references at least does not teach or suggest each of the claimed limitations as discussed above.

E. The §103(a) rejection of dependent Claim 27 is improper because the asserted combination of Moles and Meche in view of Sutinen *et al.* fails to correspond to the claimed invention, and the requisite evidence of motivation to combine the references as asserted has not been established.

Appellant respectfully maintains the traversal of the rejection of Claim 27 because the asserted combination of references at least does not teach or suggest each of the claimed limitations as discussed above. Appellant also disagrees with the overly-broad definition of "provisioning" and notes that the claimed invention is directed to provisioning unprovisioned terminals.

F. The §103(a) rejection of dependent Claims 5, 30, 32-34 and 36 is improper because the asserted combination of Moles and Meche in view of Raith fails to correspond to the claimed invention, and the requisite evidence of motivation to combine the references as asserted has not been established.

Despite the alleged typographical error, Appellant respectfully maintains the traversal of the rejection of Claims 5, 30, 32-34 and 36 because the asserted combination of references at least does not teach or suggest each of the claimed limitations as discussed above.

G. The §103(a) rejection of dependent Claims 6, 38-41 and 43 is improper because the asserted combination of Moles and Meche in view of Lager *et al.* fails to correspond to the claimed invention, and the requisite evidence of motivation to combine the references as asserted has not been established.

Despite the alleged typographical error, Appellant respectfully maintains the traversal of the rejection of Claims 6, 38-41 and 43 because the asserted combination of references at least does not teach or suggest each of the claimed limitations as discussed above.

H. The §103(a) rejection of dependent Claim 14 is improper because the asserted combination of Moles and Meche in view of Chatterjee *et al.* fails to correspond to the claimed invention.

Appellant respectfully maintains the traversal of the rejection of Claim 14 because the asserted combination of references at least does not teach or suggest each of the claimed limitations as discussed above.

I. The §103(a) rejection of dependent Claims 18 and 35 is improper because the asserted combination of Moles and Meche in view of Donovan *et al.* fails to correspond to the claimed invention, and the requisite evidence of motivation to combine the references as asserted has not been established.

Appellant respectfully maintains the traversal of the rejection of Claims 18 and 35 because the asserted combination of references at least does not teach or suggest each of the claimed limitations as discussed above.

J. The §103(a) rejection of dependent Claim 23 is improper because the asserted combination of Moles and Meche in view of Vucetic *et al.* fails to correspond to the claimed invention, and the requisite evidence of motivation to combine the references as asserted has not been established.

Appellant respectfully maintains the traversal of the rejection of Claim 23 because the asserted combination of references at least does not teach or suggest each of the claimed limitations as discussed above.

K. The §103(a) rejection of dependent Claim 37 is improper because the asserted combination of Moles, Meche, and Raith in view of Vucetic fails to correspond to the claimed invention, and the requisite evidence of motivation to combine the references as asserted has not been established.

Despite the alleged typographical error, Appellant respectfully maintains the traversal of the rejection of Claim 37 because the asserted combination of references at least does not teach or suggest each of the claimed limitations as discussed above.

L. The §103(a) rejection of dependent Claims 42 and 44 is improper because the asserted combination of Moles, Meche and Lager in view of Donovan fails to correspond to the claimed invention, and the requisite evidence of motivation to combine the references as asserted has not been established.

Despite the alleged typographical errors, Appellant respectfully maintains the traversal of the rejection of Claims 42 and 44 because the asserted combination of references at least does not teach or suggest each of the claimed limitations as discussed above.

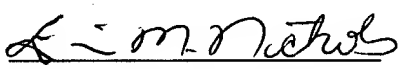
VIII. CONCLUSION

In view of the above, Appellant respectfully submits that the claimed invention is patentable over the cited references and that the rejections of claims 1, 3-24, 26-30 and 32-48 should be reversed. Appellant respectfully requests reversal of the rejections as applied to the appealed claims and allowance of the entire application.

Authorization to charge the undersigned's deposit account is provided on the cover page of this brief.

Respectfully submitted,

Hollingsworth & Funk, LLC
8009 34th Ave South, Suite 125
Minneapolis, MN 55425
952.854.2700



Name: Erin M. Nichols
Reg. No. 57,125

IX. CLAIMS APPENDIX

1. A method for initiating provisioning procedures for terminals operable in a mobile communications network, comprising:

automatically detecting an unprovisioned terminal in the mobile communications network;

providing a notification to a provisioning server to initiate the provisioning procedures for the unprovisioned terminal in response to the automatic detection of the unprovisioned terminal; and

monitoring for a subscriber identifier identifying a particular subscriber and an equipment identifier identifying the unprovisioned terminal, and wherein automatically detecting an unprovisioned terminal comprises determining that the subscriber and equipment identifiers do not collectively correspond to known subscriber and equipment affiliations.

3. The method of Claim 1, wherein determining that the subscriber and equipment identifiers do not collectively correspond to known subscriber and equipment affiliations comprises:

receiving the subscriber identifier identifying the particular subscriber and the equipment identifier identifying the unprovisioned terminal; and

comparing the subscriber identifier and the equipment identifier as an affiliated identifier pair to stored identifier pairs comprising known subscriber and equipment affiliations.

4. The method of Claim 3, further comprising storing the stored identifier pairs in a Home Location Register (HLR) at the network.

5. The method of Claim 4, wherein comparing the affiliated identifier pair to the stored identifier pairs comprises comparing the affiliated identifier pair to the stored identifier pairs at a Mobile Switching Center (MSC).

6. The method of Claim 4, wherein comparing the affiliated identifier pair to the stored identifier pairs comprises comparing the affiliated identifier pair to the stored identifier pairs at a Serving GPRS Support Node (SGSN).

7. The method of Claim 3, wherein each of the known subscriber and equipment affiliations comprise at least one equipment identifier for each subscriber corresponding to a subscriber identifier.

8. The method of Claim 3, wherein receiving a subscriber identifier and an equipment identifier comprises receiving at least an International Mobile Subscriber Identity (IMSI) and an International Mobile Equipment Identity (IMEI).

9. The method of Claim 8, wherein comparing the affiliated identifier pair to stored identifier pairs comprises comparing the affiliated identifier pair comprising the IMSI and the IMEI to a plurality of stored IMSI/IMEI pairs.

10. The method of Claim 3, further comprising availing the subscriber identifier and the equipment identifier to the mobile communications network in connection with an attach procedure.

11. The method of Claim 3, further comprising availing the subscriber identifier and the equipment identifier to the mobile communications network in connection with a location update procedure.

12. The method of Claim 3, wherein automatically detecting further comprises recognizing that the affiliated identifier pair does not match any of the stored identifier pairs in response to the comparison.

13. The method of Claim 12, wherein providing a notification to a provisioning server comprises notifying the provisioning server in response to a recognition that the affiliated identifier pair does not match any of the stored identifier pairs.

14. The method of Claim 3, further comprising providing the subscriber identifier and the equipment identifier by the unprovisioned terminal upon power up of the unprovisioned terminal.

15. The method of Claim 3, wherein:

receiving the subscriber identifier and the equipment identifier comprises continuously monitoring the affiliated identifier pair at the provisioning server through a signaling channel;

comparing the subscriber identifier and the equipment identifier comprises comparing the affiliated identifier pair to stored identifier pairs at the provisioning terminal; and

providing a notification to the provisioning server comprises providing the notification internally at the provisioning server.

16. The method of Claim 1, wherein providing a notification comprises automatically transmitting the notification to the provisioning server through the mobile communications network upon detection of the unprovisioned terminal.

17. The method of Claim 16, further comprising creating a notification message to provide the notification, wherein the notification message includes at least a subscriber identifier identifying a particular subscriber and an equipment identifier identifying the unprovisioned terminal.

18. The method of Claim 17, wherein creating the notification message comprises creating a Short Messaging Service (SMS) message including the subscriber and equipment identifiers in a user data field.

19. The method of Claim 17, wherein the subscriber identifier comprises at least an International Mobile Subscriber Identity (IMSI).

20. The method of Claim 19, wherein the subscriber identifier further comprises a Mobile Station ISDN/PSTN Number (MSISDN).

21. The method of Claim 17, wherein the equipment identifier comprises an International Mobile Equipment Identity (IMEI).

22. The method of Claim 17, further comprising:

generating provisioning data at the provisioning server, wherein generating the provisioning data comprises correlating the equipment identifier with corresponding predetermined provisioning data; and

transmitting the predetermined provisioning data from the provisioning server to the unprovisioned terminal.

23. The method of Claim 16, wherein automatically transmitting the notification to the provisioning server through the mobile communications network comprises:

initiating an alarm at a network management system (NMS);

forwarding the notification to the NMS; and

transmitting the notification from the NMS to the provisioning server.

24. The method of Claim 1, further comprising:

generating provisioning data by the provisioning server, and transmitting the provisioning data from the provisioning server to the unprovisioned terminal;

receiving the equipment identifier identifying the unprovisioned terminal and correlating the equipment identifier to a matching terminal type; and wherein generating the provisioning data comprises retrieving default provisioning data corresponding to the matching terminal type.

26. The method of Claim 24, further comprising contacting the unprovisioned terminal using a Wireless Application Protocol (WAP) push message to notify the unprovisioned terminal of the transmission of the provisioning data.

27. The method of Claim 26, further comprising establishing a connection between the unprovisioned terminal and the provisioning server, and wherein transmitting the provisioning data comprises transmitting the provisioning data via a SyncML-based protocol.

28. A provisioning system for automatically provisioning terminals in a mobile communications network, comprising:

a network element capable of receiving a subscriber identifier and an equipment identifier;

a detection module operable with the network element and capable of being coupled to the mobile communications network and configured to monitor for at least the subscriber identifier and the equipment identifier transmitted from an unprovisioned terminal, and to compare an identifier group comprising the subscriber and equipment identifiers to known subscriber-equipment groups;

a provisioning trigger module capable of communicating with the detection module to generate a provisioning notification based on results of the comparison of the identifier group and known subscriber-equipment groups indicating that the unprovisioned terminal has been introduced on the mobile communications network; and

a provisioning server configured to receive the provisioning notification and to instigate provisioning procedures with the unprovisioned terminal in response to the provisioning notification.

29. The provisioning system as in Claim 28, wherein the detection module is integrated with an existing network element of the mobile communications system.

30. The provisioning system as in Claim 28, wherein the network element comprises a Mobile Switching Center (MSC) to receive the subscriber identifier and the equipment identifier, and wherein the detection module is integrated with the MSC to monitor for the unprovisioned terminal.

32. The provisioning system as in Claim 28, further comprising a database to store the known subscriber-equipment groups.

33. The provisioning system as in Claim 32, wherein the database comprises a Home Location Register (HLR) operable in the mobile communications system, wherein each record of the HLR comprises:

a subscriber identity field to store the subscriber identifier; and

an equipment identify field to store the equipment identifier.

34. The provisioning system as in Claim 30, wherein the provisioning trigger module is integrated with the MSC to generate the provisioning notification.

35. The provisioning system as in Claim 34, further comprising a Short Message Service Center (SMSC) to receive the provisioning notification from the MSC, and to transmit the provisioning notification to the provisioning server, wherein the provisioning notification is dispatched as a Short Messaging Service (SMS) message including at least the subscriber identifier and the equipment identifier.

36. The provisioning system as in Claim 34, wherein the provisioning trigger module comprises a processor integral to the MSC, and wherein the processor generates the provisioning notification in response to the detection of the unprovisioned terminal.

37. The provisioning system as in Claim 34, further comprising a Network Management System (NMS) to receive the provisioning notification from the MSC as an NMS alarm signal, and to transmit the provisioning notification to the provisioning server in response thereto.

38. The provisioning system as in Claim 28, further comprising an Serving GPRS Support Node (SGSN) coupled to receive the subscriber identifier and the equipment identifier, and wherein the detection module is integrated with the SGSN to monitor for the unprovisioned terminal.

39. The provisioning system as in Claim 38, wherein the detection module comprises a processor integral to the SGSN, and wherein the processor compares an identifier group comprising the subscriber and equipment identifiers to known subscriber-equipment groups.

40. The provisioning system as in Claim 39, further comprising a Home Location Register (HLR) database operable in the mobile communications system to store the known subscriber-equipment groups, wherein each record of the HLR comprises:

a subscriber identity field to store the subscriber identifier; and

an equipment identify field to store the equipment identifier.

41. The provisioning system as in Claim 38, wherein the provisioning trigger module is integrated with the SGSN to generate the provisioning notification.

42. The provisioning system as in Claim 41, further comprising a Short Message Service Center (SMSC) to receive the provisioning notification from the SGSN, and to transmit the provisioning notification to the provisioning server, wherein the provisioning notification is dispatched as a Short Messaging Service (SMS) message including at least the subscriber identifier and the equipment identifier.

43. The provisioning system as in Claim 41, wherein the provisioning trigger module comprises a processor integral to the SGSN, and wherein the processor generates the provisioning notification in response to the detection of the unprovisioned terminal.

44. The provisioning system as in Claim 41, further comprising a Network Management System (NMS) to receive the provisioning notification from the SGSN as an NMS alarm signal, and to transmit the provisioning notification to the provisioning server in response thereto.

45. The provisioning system as in Claim 28, wherein the provisioning server comprises:

a phone capability database to store mobile terminal models corresponding to each of a plurality of available equipment identifiers;

a configuration messages database to store provisioning data for each mobile terminal model; and

a processor configured to obtain the provisioning data for the unprovisioned terminal by retrieving the provisioning data for the mobile terminal model corresponding to the equipment identifier of the unprovisioned terminal.

46. A computer-readable medium having computer-executable instructions for initiating provisioning procedures for terminals operable in a mobile communications network, the computer-executable instructions performing steps comprising:

automatically detecting an unprovisioned terminal in the mobile communications network;

providing a notification to a provisioning server to initiate the provisioning procedures for the unprovisioned terminal in response to the automatic detection of the unprovisioned terminal; and

monitoring for a subscriber identifier identifying a particular subscriber and an equipment identifier identifying the unprovisioned terminal, and wherein automatically detecting an unprovisioned terminal comprises determining that the subscriber and equipment identifiers do not collectively correspond to known subscriber and equipment affiliations.

47. A provisioning system for automatically provisioning terminals in a mobile communications network, comprising:

means for receiving a subscriber identifier identifying a particular subscriber and an equipment identifier identifying an unprovisioned terminal, and for comparing an identifier group comprising the subscriber and equipment identifiers to known subscriber-equipment groups;

means for automatically detecting the unprovisioned terminal in the mobile communications network, including means for determining that the subscriber and equipment identifiers do not collectively correspond to known subscriber and equipment affiliations based on results of the comparison; and

means for providing a notification to a provisioning server to initiate a provisioning procedure for the unprovisioned terminal in response to the automatic detection of the unprovisioned terminal.

48. A network element for facilitating provisioning of terminals in a mobile communications network, the network element comprising:

a detection module capable of communicating via the mobile communications network and configured to monitor for subscriber and equipment identifiers associated with one or more of the terminals, and to identify unprovisioned terminals introduced into the mobile communication network based on correspondence between the subscriber and equipment identifiers and any of a plurality of known subscriber and equipment affiliations; and

a provisioning trigger module coupled to the detection module to generate provisioning notifications for the unprovisioned terminals identified via the detection module, wherein each provisioning notification indicates that the respective unprovisioned terminal is to be provisioned.

X. EVIDENCE APPENDIX

None.

XI. RELATED PROCEEDINGS APPENDIX

None.